

# National Labor Relations Board



## Weekly Summary of NLRB Cases

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CASES SUMMARIZED  
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*Unifirst Corp.* (1-CA-39267, 39321; 341 NLRB No. 1) Indian Orchard, MA Jan. 16, 2004. The Board decided to publish a previously unpublished Order in the bound volumes of its decisions. [\[HTML\]](#) [\[PDF\]](#)

In the unpublished Order of December 9, 2003, Members Liebman and Walsh granted the General Counsel's request to reject the Respondent's reply to the General Counsel's resubmission of its brief in support of the administrative law judge's decision. Member Schaumber dissented. Citing *National Metalcrafters*, 276 NLRB 90, fn. 1 (1985), the majority wrote: "The Board's Rules make no provision for a brief in reply to a brief filed in support of an administrative law judge's decision, and the Board accordingly has stricken such a reply brief." They found no special circumstances to warrant a departure from the Board's Rules and stated: "to the extent that the brief in support filed by the General Counsel contained argument that is no longer relevant, the Board, consistent with its established policy, will disregard it."

In dissent, Member Schaumber concluded: "For justice to be done, it must be done with equitable administration. In these circumstances, the Board's administration of justice is, or appears to be, inequitable, and its denial of an opportunity to respond unfair." He found that the content of the General Counsel's brief, which was not written in support of the judge's decision, but which is being submitted for that purpose, provides ample cause for accepting the Respondent's brief in reply. He would, therefore, grant the Respondent's motion for the Board to consider its reply to the General Counsel's resubmitted posthearing brief, or in the alternative, its objections to that brief.

(Members Liebman, Schaumber, and Walsh participated.)

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#### **LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES**

*Cook Mail Services, Inc.* (Postal Workers Austin, TX Area Local 299) Austin, TX January 16, 2004. 16-CA-20974, et al.; JD(ATL)-3-04, Judge Lawrence W. Cullen.

*Ken Maddox Heating & Air Conditioning, Inc.* (Sheet Metal Workers Local 20) Indianapolis, IN January 16, 2004. 25-CA-24297(E), et al.; JD-4-04, Judge Robert A. Giannasi.

*HH3 Trucking, Inc.* (Teamsters Local 325) Rockford, IL January 20, 2004. 33-CA-14374; JD-02-04, Judge Ira Sandron.

*United States Postal Service* (Postal Workers and Letter Carriers Branch 283) Houston, TX January 21, 2004. 16-CA-22766, et al.; JD(ATL)-04-04, Judge George Carson II.

*The Carney Hospital, Inc.* (Service Employees Local 285) Boston, MA January 21, 2004. 1-CA-38280; JD-05-04, Judge Paul Bogas.

*Baumann & Sons Buses, Inc.* (Transport Workers Local 100) New Canaan, CT January 23, 2004. 34-CA-9847, et al.; JD(NY)-04-04, Judge Howard Edelman.

*The Second Shift, Inc. d/b/a Jobsite Personnel, Inc.* (Electrical Workers [IBEW] Local 756) Altamonte, FL January 23, 2004. 12-CA-17521; JD(ATL)-02-04, Judge Keltner W. Locke.

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### **NO ANSWER TO COMPLAINT**

*(In the following case, the Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to the complaint.)*

*Courtyard Manor of Livonia* (Service Employees Local 79) (7-CA-46452, 46673; 341 NLRB No. 4) Livonia, MI January 20, 2004. [\[HTML\]](#) [\[PDF\]](#)

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